

Remarks

Claims 1-3 and 5-23 are pending. Claims 1-3, 6, 14, 15, 17, 18 and 22 are rejected. Claims 4, 5, 7-13, 16, 19-21 and 23 are objected to. Claim 4 has been canceled. Claims 1, 5 and 14 have been amended. No new matter has been added. Importantly, the claim amendments should not be construed to be an acquiescence to any of the claim rejections. Rather, the amendments to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicants expressly reserve the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application (35 USC § 120).

Response to Claim Rejections under 35 USC § 102(b)

Claims 1-3, 14 and 15 are rejected as being anticipated by Nothen (US 4,020,881). The Examiner contends that the Nothen reference “discloses a system for filling trays/pots (R, P) with growth medium comprising a plurality of rollers (proximate reference element R) that drive conveyor belts that support and propel trays (R, P), slurry dispensing nozzles K, and a filler roller L.”

In regards to the rejection of claims 1-3, solely in order to expedite prosecution, the Applicant has amended claim 1 to incorporate the limitations of claim 4, which the Examiner has acknowledged would be allowable if “rewritten in independent form including all of the limitations of the base claim”. Therefore, claim 4 has been canceled; and claims 5 and 14 have been amended to remove reference to the canceled claim.

In regards to the rejection of claims 14 and 15, the aforementioned amendment also addresses the Examiner’s concerns that the “method as claimed would be inherent during the normal use and operation of the device”. Claims 14 has also been amended to conform to proper claim construction. Therefore, the Applicant respectfully requests the withdrawal of the rejections of claims 1-3, 14 and 15 based on 35 USC § 102(b).

Response to Claim Rejections under 35 USC § 103(a)

Claims 6, 17, 18 and 22 are rejected as being unpatentable over Nothen (US 4,020,881). Solely in order to expedite prosecution, the Applicant has amended claim 1 (to which claims 6, 17, 18 and 22 directly or indirectly depend) to require that the apparatus comprise "at least one top feed roller positioned above the top surface of a tray, and at least one bottom feed roller positioned below the bottom surface of a tray". As noted above, Nothen does not teach these limitations. Therefore, the Applicant submits that Norton taken alone can not be considered to render obvious the rejected claims because Nothen does not teach all of the elements of the amended claims. Therefore, based on the arguments presented above, the Applicant respectfully requests the withdrawal of the rejections under 35 USC § 103(a) based on Nothen.

Fees

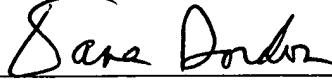
The Applicants believe no fee is required in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, **06-1448**.

Conclusion

In view of the above amendments and remarks, it is believed that the pending claims are in condition for allowance. The Applicants respectfully request reconsideration and withdrawal of the pending rejections. The Applicants thank the Examiner for careful consideration of the present case. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

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Respectfully submitted,
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